

**4-924. Summons ad notice of trial on petition for termination of tenancy (Mobile Home Park Act).**

*[Sections 47-10-4 and 47-8-43 NMSA 1978]*

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ COURT

\_\_\_\_\_, Plaintiff

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

**SUMMONS  
AND NOTICE OF TRIAL ON  
PETITION FOR TERMINATION OF TENANCY  
(*Mobile Home Park Act*)**

To: \_\_\_\_\_, defendant

Address: \_\_\_\_\_  
\_\_\_\_\_, New Mexico \_\_\_\_\_

You are notified that an action has been filed to terminate the rental agreement or lease of  
a mobile home space located in \_\_\_\_\_ County, New Mexico at:

\_\_\_\_\_ (*name of mobile home park*)

\_\_\_\_\_ (*mobile home address*)

\_\_\_\_\_ (*mobile home lot or space*)

\_\_\_\_\_, New Mexico \_\_\_\_\_.

You are ordered to appear for trial before the Honorable \_\_\_\_\_  
\_\_\_\_\_, Judge, Div. \_\_\_\_\_, located at \_\_\_\_\_, New  
Mexico on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the hour of \_\_\_\_m. to show cause and  
present all evidence you may have why the tenancy should not be terminated.<sup>1</sup>

Your failure to appear at the time and place specified above may result in the entry of  
judgment against you in accordance with the petition filed by the plaintiff in this action, a copy of  
which is attached.

You may file a written answer and assert any claims you may have prior to the trial.

**FOR USE ONLY IN METROPOLITAN COURT CASES**

**[IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST  
REQUEST IT BEFORE THE BEGINNING OF THE PROCEEDING. IF YOU DO  
NOT ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD OF  
THE PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.]**

Dated: \_\_\_\_\_.

\_\_\_\_\_  
Judge

By: \_\_\_\_\_  
Clerk

**THIS IS YOUR NOTICE OF TRIAL**

**that you will receive.**

[illegible]

I, being sworn state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ (*date*), by delivering a copy of this summons, a copy of the petition and a copy of the answer form<sup>4</sup> in the following manner:

I certify that I served this summons in \_\_\_\_\_ county on the \_\_\_\_ day of \_\_\_\_\_, (*date*), by delivering a copy of the summons, a copy of the petition and an answer form in the following manner:

[ ] by delivering a copy of this summons, a copy of the petition and an answer form to the defendant \_\_\_\_\_ (*used when defendant receives copy of summons or refuses to receive summons*).

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\_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, located at \_\_\_\_\_ (address). (used when defendant is not presently at the abode.).

[ ] by posting a copy of the summons, petition and an answer form in the most public part of the premises of defendant \_\_\_\_\_ located at \_\_\_\_\_ (address). (used if no person found at dwelling house or usual place of abode.) (If service is by posting a copy of the summons, petition and an answer form must also be mailed to the person served. The person serving by posting and the person serving by mail must each sign a return. The person mailing must check and complete the certificate of mailing at the end of this summons.)

[ ] by delivering a copy of this summons, a copy of the petition and an answer form to \_\_\_\_\_, an agent authorized to receive service of process for defendant.

[ ] by delivering a copy of this summons, a copy of the complaint and an answer form to \_\_\_\_\_, (parent) (guardian) (custodian) of defendant (used when defendant is a minor or an incompetent person).

[ ] by delivering a copy of this summons, a copy of the petition and an answer form to \_\_\_\_\_ (name of person), \_\_\_\_\_, (title of person

*authorized to receive service) (used when defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

[ ] by service by mail.

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Subscribed and sworn to  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths<sup>3</sup>

\_\_\_\_\_  
Official title

*(To be completed if service is made by posting)<sup>5</sup>*

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, and an

answer form to:

\_\_\_\_\_ (name of person served)

\_\_\_\_\_ (address where mailed)

\_\_\_\_\_ (county)

\_\_\_\_\_ (city, state and zip code)

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

\_\_\_\_\_  
Place of mailing

\_\_\_\_\_  
Date

Subscribed and sworn to  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths<sup>3</sup>

\_\_\_\_\_  
Official title

*(To be completed if service is made by mail.)*<sup>6</sup>

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this

lawsuit, and that I served a copy of this summons on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, an answer form and two copies of the notice and acknowledgment and a return envelope, postage prepaid, addressed to:

\_\_\_\_\_ (*name of person served*)

\_\_\_\_\_ (*address where mailed*)

\_\_\_\_\_ (*county*)

\_\_\_\_\_ (*city, state and zip code*)

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

\_\_\_\_\_  
Place of mailing

\_\_\_\_\_  
Date

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

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Official title<sup>3</sup>

### **USE NOTES**

1. The trial setting must be not less than seven (7) nor more than ten (10) days after service of this summons. *See* Section 47-8-43 NMSA 1978.
2. A separate summons must be used for each defendant.
3. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized.
4. An answer form must be attached to the summons at the time of service. *See* Rule 4-925 NMRA for answer to petition for termination of tenancy.
5. For use when service is by posting. *See* Section 47-10-4 NMSA 1978 for service by posting under the Mobile Home Park Act. This form requires service by mail in addition to posting.
6. If service is by mail, Civil Form 4-208 must be completed and mailed with this summons.

[Adopted, effective September 2, 1997.]